

# ECONOMIC AFFAIRS IC

## SEPTEMBER 11, 2012

### EXHIBIT 2



#### Economic Affairs Interim Committee

#### 62nd Montana Legislature

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**SENATE MEMBERS**  
TOM FACEY--Vice Chair  
JOE BALLYEAT  
EDWARD WALKER  
JONATHAN WINDY BOY

**HOUSE MEMBERS**  
TOM BERRY--Chair  
CHUCK HUNTER  
CAROLYN SQUIRES  
GORDON VANCE

**COMMITTEE STAFF**  
PAT MURDO, Lead Staff  
BART CAMPBELL, Staff Attorney  
CLAUDIA (CJ) JOHNSON, Secretary

as of August 2, 2012

### Tally Sheet for HB 142 Reviews of Statutory Advisory Councils and Statutory Reports and HB 525 Reviews of Licensing Boards

#### HB 142 Reviews

Statutory Advisory Councils	Review Date	Decision
• Advisory Council on Continuing Education for Insurance Licensees, created under 33-17-1204, MCA	April 20, 2012	continue as is
• Advisory Council on Risk Management Activities, created under 33-22-520, MCA	April 20, 2012	bill draft to remove requirement
• Economic Development Advisory Council, created under 2-15-1820, MCA	Oct. 6, 2011	continue as is but review
• Montana Noxious Weed Seed Free Forage Advisory Council, created under 80-7-804, MCA	Jan. 20, 2012	continue as is
• Noxious Weed Management Advisory Council, created under 80-7-805, MCA	Jan. 20, 2012	continue as is
• Organic Commodity Advisory Council, created under 80-11-601, MCA	Jan. 20, 2012	continue as is
• Tourism Advisory Council, created under 2-15-1816, MCA	Oct. 5, 2011	continue as is
<b>Statutorily Required Reports</b> (some required to the EAIC and some to the legislature)		
• Apprenticeship and Training Program Biennial Report, required under 39-6-101 in conjunction with 5-11-210, MCA	Oct. 5, 2011 Sept. 11, 2012	decision postponed
• Board of Investments Report (must be made to the legislature as provided in 17-6-230 pursuant to 5-11-210)	Oct. 5, 2011	continue as is
• Board of Housing Veterans' Home Loan Mortgage Program report to the legislature, provided for in 90-6-604, MCA	Sept. 11, 2012	
• Livestock Loss Reduction Report, required to Legislature and Board of Livestock under 2-15-3113, MCA	Sept. 11, 2012	
• Dept. of Commerce report on federal land management reviews for local governments required by 90-1-182, MCA	Sept. 11, 2012	
• Distressed Wood Industry Report, required under 90-1-503 to EAIC in conjunction with 5-11-210, MCA	Sept. 11, 2012	
• Quality Schools Facility Grant Program Report, required under 90-6-810, MCA, as a report "to the legislature"	Sept. 11, 2012	

• Montana State Fund budget report (must be given to Legislative Finance Committee as provided in 39-71-2363)	Sept. 11, 2012	
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#### **HB 525 Reviews of Licensing Boards Scheduled for Review 2011-2012**

<b>Licensing Board</b>	<b>Review Date</b>	<b>Decision</b>
Chiropractors	Aug. 24, 2011	continue as is
Dentistry	Aug. 23, 2011 Jan. 20, 2012	review again in January 2012 with proposal to split boards  January vote: continue as is, endorse committees of denturists/dental hygienists; try to resolve problems among practitioners
Electrical	April 20, 2012	continue as is
Professional Engineers and Professional Land Surveyors	April 20, 2012	continue as is
Funeral Service	Oct. 6, 2011 Jan. 20, 2012	decision postponed to January 2012 January vote: continue as is
Hearing Aid Dispensers	Oct. 5, 2011	decision postponed to April 2012 April vote: continue as is
Medical Examiners	Oct. 6, 2011	continue as is
Nursing	Jan. 20, 2012	continue as is
Nursing Home Administrators	Oct. 6, 2011	continue as is
Optometry	Jan. 20, 2012	continue as is
Outfitters	Jan. 19, 2012	continue as is
Pharmacy	Aug. 23, 2011	continue as is
Plumbers	April 20, 2012	continue as is
Psychologists	June 12, 2012	continue as is
Public Accountants	Jan. 19, 2012	continue as is
Veterinary Medicine	Aug. 24, 2011	continue as is

#### **HB 525 Reviews of Licensing Boards Scheduled for Review 2013-2014**

Alternative Health Care, Architects and Landscape Architects, Athletic Trainers, Barbers and Cosmetologists, Clinical Laboratory Science Practitioners, Occupational Therapy Practice, Physical Therapy Examiners, Private Alternative Adolescent Residential or Outdoor Programs, Private Security, Radiologic Technologists, Real Estate Appraisers, Realty Regulation, Respiratory Care Practitioners, Sanitarians, Social Workers/Professional Counselors, Massage Therapists, and Speech Language Pathologists and Audiologists.



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# Economic Affairs Interim Committee

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BART CAMPBELL, Staff Attorney  
CJ JOHNSON, Secretary

## HB 142 Reviews for September 2012 (and related statutory references):

- **Apprenticeship and Training Program Biennial Report**

**39-6-101. Duties of department.** (1) The department of labor and industry shall:

- (a) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter;
- (b) register apprenticeship agreements that are in the best interests of the apprenticeship and conform to the standards established by or in accordance with this chapter;
- (c) keep a record of apprenticeship agreements and, taking into consideration performance of the agreement, issue certificates of completion of apprenticeship;
- (d) terminate or cancel any apprenticeship agreements in accordance with the provisions of the agreements;
- (e) provide assistance for the development of on-the-job training programs in nonapprenticeable occupations;
- (f) establish standards for apprenticeship agreements in conformity with the provisions of this chapter;
- (g) use the standard prevailing wage rate for construction services, as defined in 18-2-401, for a prevailing wage rate district as provided in 18-2-411 as a base on which an apprenticeship wage is calculated pursuant to 39-6-108 for apprentices;
- (h) adopt rules necessary to carry out the intent and purposes of this chapter; and
- (i) perform other duties that may be required by federal regulations, provided that the federal regulations are not in conflict with this chapter.

(2) Not less often than once every 2 years, the department shall make a report of its activities and findings to the governor and, as provided in 5-11-210, to the legislature. The department shall also make the report available to the public.

- **Board of Housing Veterans' Home Loan Management Program**

**90-6-604. Additional terms of program.** (1) The maximum amount of a loan made by the board pursuant to this part is 95% of the value of the statewide allowable purchase price determined by the board pursuant to 90-6-605.

(2) The board shall require as a condition for a loan that an eligible veteran participate in a first-time home buyer education program approved by the board.

(3) A loan made by the board must be secured by a government guaranty pursuant to rules adopted by the board unless the board determines pursuant to 90-6-605(2) to allow the use of conventional mortgage insurance requirements and coverage.

(4) An eligible veteran shall participate in a loan by contributing a minimum amount of \$2,500 unless the board determines otherwise pursuant to 90-6-605(2).

(5) There is no limit on the maximum amount of income that may be earned by an eligible veteran for the purposes of a loan pursuant to this part.

(6) In order to allow small financial institutions to participate equitably in the program along with large financial institutions, the board shall adopt rules pursuant to 90-6-605 to specify the maximum amount of mortgage loans that may be made by any one participating financial institution.

(7) The legislative auditor must be allowed access to all documentation used for the purpose of the program.

(8) A report describing at least the operation and use of the program must be made by the board to the legislature as provided in 5-11-210. The report may be combined with other reports by the board or the department of commerce to the legislature.

- **Livestock Loss Reduction Report**

**2-15-3113. Additional powers and duties of livestock loss board.** (1) The livestock loss board shall:

- (a) process claims;
  - (b) seek information necessary to ensure that claim documentation is complete;
  - (c) provide payments authorized by the board for confirmed and probable livestock losses, along with a written explanation of payment;
  - (d) submit monthly and annual reports to the board of livestock summarizing claims and expenditures and the results of action taken on claims and maintain files of all claims received, including supporting documentation;
  - (e) provide information to the board of livestock regarding appealed claims and implement any decision by the board;
  - (f) prepare the annual budget for the board; and
  - (g) provide proper documentation of staff time and expenditures.
- (2) The livestock loss board may enter into an agreement with any Montana tribe, if the tribe has adopted a wolf management plan for reservation lands that is consistent with the state wolf management plan, to provide that tribal lands within reservation boundaries are eligible for mitigation grants pursuant to 2-15-3111 and that livestock losses on tribal lands within reservation boundaries are eligible for reimbursement payments pursuant to 2-15-3112.

(3) The livestock loss board shall:

- (a) coordinate and share information with state, federal, and tribal officials, livestock producers, nongovernmental organizations, and the general public in an effort to reduce livestock losses caused by wolves;
  - (b) establish an annual budget for the prevention, mitigation, and reimbursement of livestock losses caused by wolves;
  - (c) perform or contract for the performance of periodic program audits and reviews of program expenditures, including payments to individuals, incorporated entities, and producers who receive loss reduction grants and reimbursement payments;
  - (d) adjudicate appeals of claims;
  - (e) investigate alternative or enhanced funding sources, including possible agreements with public entities and private wildlife or livestock organizations that have active livestock loss reimbursement programs in place;
  - (f) meet as necessary to conduct business; and
  - (g) report annually to the governor, the legislature, members of the Montana congressional delegation, the board of livestock, the fish, wildlife, and parks commission, and the public regarding results of the programs established in 2-15-3111 through 2-15-3113.
- (4) The livestock loss board may sell or auction any wolf carcasses or parts of wolf carcasses received pursuant to 87-1-217. The proceeds, minus the costs of the sale including the preparation of the carcass or part of the carcass for sale, must be deposited into the livestock loss reduction and mitigation special revenue account established in 81-1-110(2)(a) and used for the purposes of 2-15-3111 through 2-15-3114.

- **Department of Commerce report on federal land management reviews for local governments**

**90-1-182. State assistance to local governments in review of and comment on federal land management proposals -- rulemaking.** (1) In carrying out the provisions of 90-1-181, the department of commerce may conduct on behalf of local governments a socioeconomic impact review and analysis of significant federal land management proposals. The department of commerce may use the review and analysis to comment in a timely manner on the federal proposals regarding projected impacts on local government.

- (2) The department of commerce may:
- (a) establish a minimal procedure for local governments to request from the department a review and analysis of significant federal land management proposals that may have a direct socioeconomic impact on the community for which the local government has requested the review. The request must include

sufficient details about the federal land management proposal for the department of commerce to determine a deadline by which the review must be conducted.

(b) contract with a unit of the Montana university system experienced in technical, doctorate-level analysis of the socioeconomic impacts of federal land management proposals to provide an independent economic analysis of the federal proposals;

(c) advocate on behalf of the local government before the agency issuing the federal land management proposals, using the reports generated under this subsection (2); and

(d) report to an appropriate legislative interim committee regarding the number of requests, the types of requests, and the number of responses handled annually. The department shall post the information under this subsection (2)(d) on its website along with a summary of each requested analysis.

(3) The department of commerce may adopt rules to implement this section.

- **Distressed Wood Industry Report**

**90-1-503. Outcome measures.** (1) The department of commerce shall develop reasonable outcome measures by which the success of the distressed wood products industry revolving loan program provided for in this part must be measured on an annual basis. Minimal outcome that must be measured includes:

(a) the uses of loan funds that provided the best overall results; and

(b) a determination of the overall success of the loan program, including but not limited to the number of jobs created or retained, pay levels, financial status, reports on project activities, the growth of a local economy, and the taxable value of property or equipment.

(2) The department may require information from entities receiving loans in order to measure outcome.

(3) In accordance with 5-11-210, the department shall provide a status report of the distressed wood products industry loan account to the economic affairs interim committee provided for in 5-5-223.

- **Quality Schools Facility Grant Program Report**

**90-6-810. Procedure for approval of projects -- role of department and governor -- approval by legislature .** (1) The department shall:

(a) receive proposals for school facility projects from public school districts;

(b) assist public school districts in preparing cost estimates for projects;

(c) as appropriate, consult with other state agencies, including but not limited to the department of administration and the office of public instruction;

(d) with the exception of emergency grants and matching planning grants, prepare and submit to the governor a list of recommendations as to projects and the form and amount of financial assistance for each project, prioritized in accordance with the requirements of 90-6-811;

(e) report to each regular session of the legislature the status of all school facility projects for which grants were approved by a previous legislature but have not been completed;

(f) award matching planning grants, in accordance with rules adopted by the department, to public school districts for the planning of school facility projects within the limits of legislative appropriations for this purpose. The department shall prioritize the award of matching planning grants in accordance with the requirements of 90-6-811. The department shall report to the governor and the legislature regarding each matching planning grant awarded during a biennium.

(g) award emergency grants to public school districts in accordance with rules adopted by the department and within the limits of legislative appropriations for this purpose. The department shall report to the governor and the legislature regarding each emergency grant awarded during a biennium.

(2) The governor shall review the projects recommended by the department under subsection (1)(d) and submit to the legislature a list of recommendations as to projects and the form and amount of financial assistance for each project.

(3) (a) The legislature shall:

(i) consider the governor's recommendations, approve grants to public school districts for school facility projects, and appropriate money to the department from the account to fund the grants that have been approved, after the deduction of administrative expenses by the department; and

(ii) authorize funding and appropriate money to the department from the account to be awarded to public school districts by the department for matching planning grants and emergency grants, after the deduction of administrative expenses by the department.

(b) Grants approved by the legislature are dependent on the availability of funds and will be made available by the department in the order that the grant recipient satisfies the conditions described in 90-6-812.

- **Montana State Fund Budget Report**

**39-71-2363. Agency law -- submission of budget -- annual report.** (1) The state fund is subject to state laws applying to state agencies, except as otherwise provided by law, and it is exempt from the provisions of The Legislative Finance Act in Title 5, chapter 12, and the provisions of Title 17, chapter 7, parts 1 through 4. The state fund may use the debt collection procedures provided in Title 17, chapter 4, part 1.

(2) (a) Except as provided in 2-15-2015, the executive director shall annually submit to the board for its approval an estimated budget of the entire expense of administering the state fund for the succeeding fiscal year, with due regard to the business interests and contract obligations of the state fund. A copy of the approved budget must be delivered to the governor and the legislature.

(b) Upon approval of the estimated budget for the succeeding fiscal year, the state fund shall, no later than October 1 of each year, submit the approved annual budget for review to the legislative finance committee established under 5-12-201.

(c) Dividends may not be included as administrative expenditures as provided in subsection (2)(a), but are a disbursement of excess surplus pursuant to 39-71-2323 after a determination by the state fund of income from operations.

(3) The board shall submit an annual financial report to the governor and to the legislature as provided in 5-11-210, indicating the business done by the state fund during the previous year and containing a statement of the estimated liabilities of the state fund as determined by an independent actuary.

DEPARTMENT OF LABOR AND INDUSTRY  
WORKFORCE SERVICES DIVISION  
APPRENTICESHIP & TRAINING PROGRAM



REGISTERED  
APPRENTICESHIP  
& TRAINING PROGRAM  
MONTANA DEPARTMENT OF LABOR & INDUSTRY



GOVERNOR BRIAN SCHWEITZER

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July 20, 2012

Mr. Kevin Hayes  
Publications Coordinator  
Montana Legislative Services Division

Dear Mr. Hayes:

In pursuant to 5-11-210. – **Clearinghouse for Reports to the Legislature**, I am submitting the following information:

A. The title of the report will read as follows:

**Apprenticeship and Training Program, Biennial Report for 2011 & 2012,  
Submitted to Governor Brian Schweitzer, Prepared by: The Apprenticeship  
and Training Program, Montana Department of Labor and Industry.**

B. The report will contain an introduction describing the program's mission and then is divided into five informational topics. The topics include: History and administration of the program; Program activities for the biennium; Special projects; Projections, goals and program statistics. The report is comprehensive concerning the major aspects of the program but is designed for quick reading. The length of the report averages 35 to 40 pages.

C. 150 copies of the report is recommended.

D. 50 reports historically satisfy required demand and any remaining reports are used for informational purposes by the program.

E. The estimated and historical cost of each report is \$4.35 and the estimated total cost for 150 reports would run \$652.50.00. The State Publications and Graphics Bureau would publish the report. If I can be of further information concerning this matter, please feel free to call me at 406-444-3556.

Sincerely Yours,

Mark S. Maki, State Director  
Apprenticeship and Training Program  
Department of Labor and Industry

C: Vivian Hammill, Legal Counsel, Governor's Office

## **MEMORANDUM**

**Montana Board of Investments**

**Department of Commerce**  
**2401 Colonial Drive, 3<sup>rd</sup> Floor**  
**Helena, MT 59601**  
**(406) 444-0001**

**To:** Kevin Hayes, Publications Coordinator  
Montana Legislative Services Division

**From:**  Geri Burton, Deputy Director

**Date:** August 15, 2012

**Subject:** Reports to Legislature

The following addresses 5-11-210 M.C.A. requirements.

Pursuant to 17-5-1650 M.C.A., the Montana Board of Investments is required to submit two copies of its annual report to the Legislative Services Division and a copy to a legislator on request. In addition, Article VIII, Section 13 of the Montana Constitution requires the Board to submit an annual report to the Governor and the Legislature. The annual report will be titled Montana Board of Investments Fiscal Year 2012 Annual Report. The report will contain historical data from 1972 (the first fiscal year the Board managed the unified investment program) through 2012. Statistical data are provided on the Board's investment activity in 2012 and changes in investments from 2011. 17-6-322 M.C.A. requires the Board to report on the Permanent Coal Tax Trust Fund (Trust Fund). The Board's Fiscal Year 2012 Annual Report will include information regarding the Trust Fund. Appendix A of the Annual Report will include income generated by account and securities portfolios for all accounts managed by the Board. Appendix B will contain the Board's audited financial statements with accompanying portfolios.

Pursuant to 17-6-230 M.C.A., the Board is required to submit a report on retirement system trust funds invested by the Board. The Board's Fiscal Year 2012 Annual Report will include statistical data on the State's nine (9) pension funds' investments.

In an effort to be environmentally friendly and to cut back on costs, the Board will not prepare hard copy annual reports; however, should a hard copy be necessary, the estimated cost is \$10.00. The annual report will be available to view electronically on the Board's website at <http://investmentmt.com/AnnualReport/default.asp>.



## Legislative Services Division Report 2012

Title: State Agency and County Weed District Biennial Noxious Weed Report  
FY-2010 – 2011

### Description:

The purpose of the report is to summarize weed management information from Biennial Reports received from 56 county weed districts and seven state agencies.

For the FY-10/11 report a web based reporting system was created so counties and agencies could submit their information electronically. The deadline for submitting their information was June 1, 2012.

### Recommendations for Copies:

Under 7-22-2151, MCA it requires each agency or entity listed in subsection (1) to post a copy of the summary on a state electronic access system.

Because the report will be available electronically there will be minimal printing cost.